

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

In re:

City of Detroit, Michigan,
Debtor.

Bankruptcy Case No. 13-53846

Judge Thomas J. Tucker

Chapter 9

**STIPULATION AND ORDER
REGARDING CLAIM NUMBERS 1925, 1841, 1845, AND 1857**

NOW COME the City of Detroit (the “City”) and claimants K&P, Inc.; 415 East Congress, LLC; H.D.V. Greektown, LLC; and Shafer & Associates, P.C. (collectively the “Claimants,” and with the City, the “Parties”) and hereby state and stipulate as follows:

1. The City has filed objections regarding claim numbers 1925 filed by K & P, Inc. [Doc. No. 13131]; 1841 filed by 415 East Congress, LLC [Doc. No. 13132]; 1845 filed by H.D.V. Greektown, LLC [Doc. No. 13133]; and 1857 filed by Shafer & Associates, P.C. [Doc. No. 13134] (collectively, the “Objections”).

2. The claims filed by the Claimants all refer to attorneys’ fees sought by the Claimants in connection with litigation against the City in United States District Court for the Eastern District of Michigan Case Number 2:06-cv-11282 (the “Action”).

3. Each of Claimants claims states in part:

There are four potential creditors: Shafer & Associates, P.C., and its clients in the federal action: HDV Greektown, LLC, K & P, Inc., and 415 East Congress St, LLC. Each creditor asserts a claim for the full amount because the clients and the law firm jointly assert the claim to the attorneys' fees and costs. The total amount claimed is \$1,563,107.76, but this number appears on each of the four separate proof of claim forms to preserve all claims. Because all amounts are owed but yet to be determined by the trial court judge, the proper amount is currently unliquidated for all four creditors.

4. Shafer & Associates, P.C. was ultimately awarded attorney fees and costs of \$905,718.65 in the Action. *H.D.V.-Greektown, L.L.C. v. City of Detroit, Mich.*, No. 06-11282, 2018 WL 549529, at *4 (E.D. Mich. Jan. 25, 2018), *aff'd* 774 F. App'x 968 (6th Cir. 2019).

5. The amount of fees awarded was a total amount of fees for all Claimants and not an amount due to each Claimant.

WHEREFORE, the Parties stipulate and agree to the entry of, and respectfully ask the Court to enter, the order attached as Exhibit 1.

IT IS SO STIPULATED AND AGREED.

For the City of Detroit:

/s/ Marc N. Swanson

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ATTORNEYS FOR CLAIMANTS
K&P, Inc., 415 East Congress, LLC,
H.D.V. Greektown, LLC, and
Shafer & Associates, P.C.

DATED: November 14, 2019

EXHIBIT 1

**UNITED STATES BANKRUPTCY COURT
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City of Detroit, Michigan,

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ORDER REGARDING CLAIM NUMBERS 1925, 1841, 1845, AND 1857

Upon the stipulation between the City of Detroit; K&P, Inc.; 415 East Congress, LLC; H.D.V. Greektown, LLC; and Shafer & Associates, P.C. resolving the City's objections to claims filed at Docket Numbers 13131, 13132, 13133, and 13134 (collectively, the "Objections");¹ and good cause appearing therefore;

IT IS HEREBY ORDERED THAT

1. Claim number 1857 filed by Shafer & Associates, P.C. is allowed as a class 14 other unsecured claim under the Plan in the reduced amount of \$905,718.65.
2. Claim numbers 1841, 1845, and 1925 are disallowed and expunged in their entirety under section 502(b) of the Bankruptcy Code.
3. The City's claims agent is authorized to update the claims register to reflect the relief granted in this Order.

¹ Capitalized terms not defined in this order have the meanings ascribed to them in the Objections.

4. The City is authorized to take all actions necessary to effectuate the relief granted pursuant to this Order.

5. Notice of the Objections as provided within each is good and sufficient notice of such Objection, and the requirements of Bankruptcy Rule 3007(a) and the local rules of the Court are satisfied by such notice.

6. This Order fully resolves the Objections.